

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT LEE FINLEY,

Petitioner,

vs.

STATE OF NEVADA, et al.,

Respondents.

Case No. 3:09-CV-00097-LRH-(VPC)

ORDER

Petitioner has submitted a motion for enlargement of time and for appointment of counsel (#7). The Court grants Petitioner additional time to file an amended petition in accordance with the Court's earlier Order (#5).

Whenever the Court determines that the interests of justice so require, counsel may be appointed to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). "[T]he district court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved." Weygandt v. Look, 718 F.2d 952 (9th Cir. 1983). There is no constitutional right to counsel in federal habeas proceedings. McCleskey v. Zant, 499 U.S. 467, 495 (1991). The factors to consider are not separate from the underlying claims, but are intrinsically enmeshed with them. Weygandt, 718 F.2d at 954.

The Court has reviewed the petition and file in this matter. Petitioner's allegations are so vague that the Court has no idea what the issues are, let alone whether Petitioner has any likelihood that he will succeed on the merits. Appointment of counsel is not currently warranted.

1 IT IS THEREFORE ORDERED that Petitioner's motion for enlargement of time and for
2 appointment of counsel (#7) is **GRANTED** in part. Petitioner shall have through July 2, 2009, to
3 file an amended petition for a writ of habeas corpus in accordance with the Court's earlier Order
4 (#5).

5 DATED this 4th day of May, 2009.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE